

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**CLARENCE R. HULL,**  
**Plaintiff,**

**v.**

**ABL MANAGEMENT,**  
**Defendant.**

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**Civil Action Number 3:16-cv-2920**  
**Chief Judge Crenshaw/Frensley**

**REPORT AND RECOMMENDATION**

This is a pro se prisoner action raising claims under 42 U. S. C. § 1983. Following the Court's initial review under the Prison Litigation Reform Act ("PLRA") the Clerk of Court provided Plaintiff with service packets for the remaining Defendants with instructions to complete the service packets and return them to the Clerk's office within 21 days after receiving the Court's Order. Docket No. 18. Plaintiff was likewise warned that his failure to return the completed service packets within the time required could jeopardize his prosecution of this action. *Id.*

Rule 4(m) of the Federal Rules of Civil Procedure provides in pertinent part:

Time Limit for Service.

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

To date, Plaintiff has never returned service packets for Defendants John Doe, Randy LNU or FNU Dickson. The Court has previously order Plaintiff to show cause for his failure to complete service in this matter. Docket No. 23. The Plaintiff responded indicating that he intended to name ABL Management Inc as the Defendant. The Court granted Plaintiff's Motion to Substitute ABL Management and afforded Plaintiff additional time to complete service in this matter again

advising Plaintiff that his failure to comply with the Order may result in the case being dismissed without prejudice. Docket No. 25. Notwithstanding subsequent efforts to obtain service on ABL Management, Plaintiff made no further efforts to obtain service on Defendants John Doe, Randy LNU or FNU Dickson. As a result, the undersigned recommends that the claims against these Defendants be dismissed without prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days from receipt of any objections filed in this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986).



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**JEFFERY S. FRENSLEY**  
United States Magistrate Judge